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**House of Representatives**  
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March 23, 2004

The Honorable Norman Mineta  
Secretary  
Department of Transportation  
Washington, D.C.

Dear Mr. Secretary:

As you may recall, on November 7, 2003, I sent you a letter asking you a series of questions the nature and adequacy of a safety study about LNG security and the Everett LNG terminal, which is located in the Seventh Congressional District of Massachusetts. As you will recall, this study, which formed the basis for federal action to restart LNG shipments to Distrigas following the 9/11 terrorist attacks, had recently come under serious criticism. Last night, I finally received your response, dated February 19, 2004, which notes that the Department's Office of Pipeline Safety "has reviewed our October 26, 2001, response to you on this issue" and that "[r]espectfully, we reaffirm our position in the areas for which you had noted concern.

I am writing you today on a closely related topic. Just yesterday, Richard Clarke, the White House's former Anti-Terrorism Czar, and a man who served in the Clinton Administration, the first Bush Administration, and the Reagan Administration, released his memoirs, Against All Enemies. On page 15 of the book, Mr. Clarke describes one of the discussions he had on 9/11 with the Commandant of the Coast Guard, as follows:

"Jim, you have a Captain in the Port in every harbor, right." He nodded. "Can they close the harbors? I don't want anything coming in and blowing up, like the LNG in Boston." After the Millennium Terrorist Alert we had learned that al Qaeda operatives had been infiltrating Boston by coming in on liquid natural gas tankers from Algeria. We had also learned that had one of the giant tankers blown up in the harbor, it would have wiped out downtown Boston.

"I have that authority." Loy turned and pointed at another admiral. "And I have just exercised it."

The revelation in this new book that al Qaeda terrorists had come into Boston on LNG tankers is extremely disturbing to me, particularly since shortly after September 11, 2001, I specifically asked you, as head of the Department which oversaw the Coast Guard, about the nature of the terrorist threat to LNG facilities.

First, I asked whether there had “ever been any been any verified terrorist threat against an LNG facility, either in the U.S. or abroad.” In response, you stated, “Not to our knowledge.” I asked you whether LNG shipments to Everett had been suspended due to any specific threats to the Everett facility, and you told me that “the order was given in response to concerns raised by State and local officials, not a specific security threat.”

If al Qaeda terrorists infiltrating into the country on an LNG tanker coming into the Port of Boston does not constitute a specific security threat, what does?

If what Mr. Clarke says in his book is true, then it would appear that either the Department was not fully aware of the facts, or that the Department was not telling me everything that it knew about the full nature of the potential al Qaeda threat to this LNG facility and the tanker ships that supply it.

### **Al Qaeda Infiltration**

I would appreciate it if you could give me a full explanation of the facts and circumstances surrounding the incident described in Mr. Clarke’s book, including:

1. Was the Department aware that al Qaeda operatives had been infiltrating Boston by coming in on liquid natural gas tankers from Algeria?
2. When did you first become aware that such operatives had been infiltrating Boston?
3. What did you know about who these operatives are, how they got in, and where they went?
4. Why weren’t enhanced security measures for screening of the crew or passengers on LNG tankers coming to Boston put in place until after 9/11, when the federal government apparently knew of Al Qaeda infiltration using this route since shortly after the Millennium?
5. What has been done by the Department to address threat that Al Qaeda might target this facility in the future?
6. Why did you not inform me of any of these matters in your October 26, 2001 letter, or in any subsequent communication?
7. Does the Department reaffirm its statements that there had been no verified terrorist threat to any LNG facility, and that LNG shipments had been suspended following 9/11 in response to concerns raised by state and local officials? If so, how do you explain Mr. Clarke’s account of this matter?

### **Future Actions to Secure LNG Facilities**

In addition, I remain quite concerned about the public safety consequences of a worst-case terrorist attack scenario involving an LNG tanker in Boston Harbor en route to the Everett facility, or an attack against the facility itself.

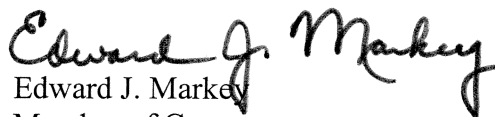
While the facility operator has taken some welcome steps to address some of these issues, and state and local officials have worked to beef up security and emergency response measures relating to the facility, the federal government has a responsibility to ensure that the citizens living around Boston harbor are safe.

As you know, under federal law, the Department of Transportation is responsible for safety and security regulation and inspection of LNG storage facilities, and the U.S. Coast Guard is responsible for safety regulation and inspection of LNG ships and marine facilities for unloading LNG into storage facilities.

1. In light of your responsibilities to as Secretary of Transportation, and in light of the potential terrorist threat, do you believe that it is currently safe to transport LNG into Boston Harbor and unload and store it at the Distrigas facility? If so, what is the basis for your conclusion?
2. If not, what steps is the Department taking to ensure that those living around Boston harbor are not threatened by such an attack?
3. In your February 19, 2004, you stated that the Department is receptive to considering any new hazard assessment perspective, model, or tool, supported by valid assumptions and documentation. I am aware of two studies that are presently underway in addition to the NOAA study mentioned in my November 7, 2003 letter, one a FERC-funded contractor study, the other a DOE-funded Sandia study. What specific plans and timetable does the Department have for reviewing these studies and integrating them into its regulatory actions?
4. For example, is the Department considering any upgrades to its regulations regarding LNG facility safety and security?
5. Is the Department considering any revisions to its regulations for the siting of new LNG facilities, including expansion of exclusion zones or establishing tougher requirements for remote siting of any new LNG facilities?
6. If so, what is the timetable for action?
7. If not, why not?

Thank you for your assistance and cooperation in this matter. Please provide me with a response within 10 working days, or no later than April 6, 2004. Should you have any questions about this request, please have your staff contact Mr. Jeffrey Duncan or Mr. Mark Bayer of my staff at 202-225-2836.

Sincerely,

  
Edward J. Markey  
Member of Congress